(B)
(1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Cr M P NO. 111 /2006 Single Bench

APPLICANTS

1. Suresh Jaiswal s/o Maniklal Jaiswal aged about 48 years
2. Amit Jaiswal s/o Suresh Jaiswal aged about 24 years
3. Rahul @ Vikki s/o Suresh Jaiswal aged about 22 years
4. Aniwesh @ Monti s/o Suresh Jaiswal aged about 20 years
5. Tushar @ Tasu S/o Om Prakash Jaiswal aged about 19 years
6. Ram Naresh Shrivastava s/o H.P. Shrivastava aged about 38 years

All residents of Pendra, P.S.Pendra, District Bilaspur (C.G)

Filed on 12/9/06
by Shri Advocate
R. to D. R. (J)

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OATH COMMISSIONER
APARNA MALVIYA
CG1073/96
Bilaspur Chhattisgarh

Versus

NON APPLICANT

State of Chhattisgarh - Through - P.S.Pendra, District Bilaspur (C.G)

(4)

(2)

PETITION U/S 482 of CRIMINAL PROCEDURE CODE 1973

(115)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

Cr. M.P. No. 111/2006

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10.1.2007

Shri A.V. Sridhar, counsel for the applicants.

State by Shri G.K.Beriwal, Deputy Advocate General.

Arguments heard.

Order passed as follows:

ORAL ORDER

(10.1.2007)

Sunil Kumar Sinha, J

This is a petition filed u/s 482 of the Code of Criminal Procedure for quashment of Criminal Case arising out of First Information Report No.109/2004 registered at Police Station Pendra, Distt. Bilaspur (C.G).

A perusal of Page no.15 of the Paper Book would show that the aforesaid F.I.R., was lodged by one Bhupendra Singh Chauhan on 05.8.2004 against Suresh Jaiswal, Tasu, Amit, Monti, Robin @ Rahul Jaiswal and another person named as Shrivastava Checker by the complainant.

Learned counsel for the applicants submits that after completion of investigation on the said report, offence u/ss 147, 148, 341, 294, 323, 506 (part ii) and 427 of IPC was registered against the applicants and thereafter other sections like 325 and 308 etc., were also added and the charge sheet was filed against them. He submits that since the offences alleged against the applicants are inherently improbable and there appears to be a false implication of the applicants, the charge sheet filed against them should be quashed.

P.T.O.

(116)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr.M.P. No.111/2006 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	I have heard learned counsel for the parties at length and have also perused the copies of various documents of the charge sheet filed in the paper book. A perusal of the contents of the First Information Report, which is placed at Page no.15 of the paper book, would show that the complainant who is resident of Vidhya Nagar, Pendra has made allegations that he is conductor in Jain Bus Service. On 05.8.2004, he alongwith the driver Rajendra Singh were taking the Bus No.CG 10 ZA 0704 from Pendra Road to Manendragarh. Many passengers were sitting in the Bus. At about 9.15 a.m in the morning, their bus was over taken by Suresh, Tashu, Rahul, Monti, Amit and a person named as Shrivastava Checker. They all came armed with hockey sticks, cricket stumps and they started hurling abuses against the complainant party suggesting mother and sister and they also threatened the complainant party and ultimately they forcibly took out the driver from the Bus, which was in running condition. By their said act, the Bus collided with tree and the front portion of the Bus was damaged. The further allegations are that these persons assaulted the complainant as also the driver who sustained the injuries. It is on this report, after completion of the investigation, the charge sheet was filed. After going through the F.I.R. and further after going through the various statements annexed with the F.I.R., I am of the opinion that it is not a case in which it can be said that prima facie the allegations leveled against the applicants are inherently probable and on this ground only, the charge sheet filed by the Police should be quashed.	

P.T.O.

(47)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr. M.P. No. 111/2006 **/सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Rao	In the opinion of this Court, prima facie, there appears to be sufficient ground to take cognizance by a court of law and such charge sheet cannot be quashed under the inherent jurisdiction of this Court. The petition has no merits and the same is dismissed at the motion stage. **Sd/-** **SUNIL KUMAR SINHA** **Judge**	

P.T.O.